

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

KIMBERLY BETH THOMAS  
912 CANYON CREEK DR  
LEBANON, TN 37087

12-08544-RM3-13  
JUDGE RANDAL S MASHBURN

SSN XXX-XX-1103

Date: 06/19/15

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS 07/10/15.**

**IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 07/29/15 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.**

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN  
TO MODIFY OR ADD CONTINUING PAYMENT**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion to Modify Chapter 13 Plan To Modify or Add Continuing Payment.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

KIMBERLY BETH THOMAS  
912 CANYON CREEK DR  
LEBANON, TN 37087

CASE NO. 12-08544-RM3-13

SSN XXX-XX-1103

06/19/2015

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**TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN  
TO MODIFY OR ADD CONTINUING PAYMENT**

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HENRY E. HILDEBRAND, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, moves this court to modify the plan previously confirmed in the above-styled case pursuant to 11 U.S.C. §1329. In support of this motion, the Trustee would state that he has received a communication from a creditor being treated as a continuing claim. Based on the claim and supporting documentation, the monthly payment must either increase or now be paid by the Trustee's office, in lieu of prior direct payment by the debtor(s).

Specifically the Trustee requests the following modification:

**Direct K. THOMAS** to increase from **\$1,459.00** MONTHLY to **\$1,949.00** MONTHLY

The continuing **mortgage** payment made to **BANK OF AMERICA** shall increase from **\$896.70** to **\$1,314.55** beginning with the **06/15** disbursement.

The base shall **be N/A**.

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors. Impacted creditors are:

**THE HUNTINGTON NATIONAL BANK** at **\$200.00** per month.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on KIMBERLY BETH THOMAS, 912 Canyon Creek Dr, Lebanon, TN 37087; and

BANK OF AMERICA P O BOX 660933, DALLAS, TX 75266;

RUBIN LUBLIN LLC 3740 DAVINCI COURT SUITE 150, PEACHTREE CORNERS, GA 30092;

RUBIN LUBLIN SUAREZ SERRANO LLC 119 S. MAIN STREET STE 500 MEMPHIS, TN 38103;  
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THE HUNTINGTON NATIONAL BANK P O BOX 182519 COLUMBUS, OH 432519 Document Page 2 of 4

and by email by Electronic Case Noticing to Ms Beth R Derrick, Assistant US Trustee, and SCOTT D WILSON, Debtor's counsel on this 19th day of June, 2015.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
Chapter 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

CASE NO. 12-08544-RM3-13

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SSN XXX-XX-1103

06/19/2015

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ORDER TO MODIFY CHAPTER 13 PLAN  
TO MODIFY OR ADD CONTINUING PAYMENT

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It appearing to the Court that the Trustee has filed a Motion to Modify plan pursuant to Rule 9013-1 of the local rules of Bankruptcy Court for the Middle District of Tennessee and that no objections thereto have been timely filed so that the Trustees Motion should be granted as requested. It is therefore ordered that the Debtor(s)plan shall be amended as follows:

**Direct K. THOMAS** to increase from **\$1,459.00** MONTHLY to **\$1,949.00** MONTHLY

The continuing **mortgage** payment made to **BANK OF AMERICA** shall increase from **\$896.70** to **\$1,314.55** beginning with the **06/15** disbursement.

The base shall **be N/A**.

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors.

Impacted creditors are:

**THE HUNTINGTON NATIONAL BANK** at **\$200.00** per month.

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE TOP  
OF THE FIRST PAGE.